

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 CU-04 NIC-01 IO-14 DRC-01 /109 W

----- 116673

R 112130Z JUN 74

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC 8179

INFO AMEMBASSY KUALA LUMPUR

C O N F I D E N T I A L SECTION 1 OF 2 WELLINGTON 1789

EO 11652: GDS

TAGS: PFOR, NZ, MY

SUBJECT: MALAYSIAN/NEW ZEALAND CONFRONTATION

1. SUMMARY: REPORT OF ARREST OF MALAYSIA OF KHOO EE LIAM, ONE TIME STUDENT AT CANTERBURY UNIVERSITY, CHRISTCHURCH, HAS TOUCHED OFF CONFRONTATION INVOLVING MALAYSIAN HIGH COMMISSION, MINISTRY OF FOREIGN AFFAIRS, AND LEFT-WING NEW ZEALAND STUDENTS ASSOCIATION (NZUSA). MANIFESTATIONS OF THE CONFRONTATION INCLUDE A LEAKED LETTER FROM MFA TO HIGH COMMISSIONER DE SILVA; A ONE-SIDED REPORT ON THE GNZ-OWNED (BUT THEORETICALLY INDEPENDENT) TELEVISION STATION WHICH INCLUDED VILIFICATION OF THE MALAYSIAN HIGH COMMISSIONER; A DEMONSTRATION BY NZUSA MEMBERS AT THE MALAYSIA HIGH COMMISSION CLIMAXED BY A SALVO OF ROCKS AND EGGS AND A SMASHED WINDOW; A DEMAND BY NZUSA THAT THE MOVEMENTS OF THE MALAYSIANS BE RESTRICTED; AND A STATEMENT TO THE PRESS BY PM KIRK THAT THE KHOO CASE RAISES THE ISSUES OF ACADEMIC FREEDOM AND CIVIL LIBERTIES. AT NO TIME HAS ANY NEW ZEALANDER QUESTIONED WHETHER OR NOT THIS IS INTERFERENCE IN MALAYSIAN INTERNAL AFFAIRS, AS WELL AS THE PROPRIETY OF WHAT TO OBSERVERS SEEM TO BE COLLUSION BETWEEN THE GNZ AND NZUSA. DE SILVA AND KIRK ARE TO MEET SHORTLY AND SOME RATHER FORCEFUL LANGUAGE IS ANTICIPATED ON BOTH SIDES. END SUMMARY.

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2. ON MAY 30 AN ARTICLE IN THE WEEKLY TABLOID "SALIENT," A LEFT WING STUDENT NEWSPAPER OF VICTORIA UNIVERSITY IN WELLINGTON, ALLUDED TO A LETTER WHICH THE GNZ HAD SENT TO THE MALAYSIAN HIGH COMMISSION PROTESTING THE ARREST OF A MALAYSIAN WHO WAS A FORMER STUDENT IN NEW ZEALAND. HAVING RECEIVED NO SUCH LETTER, THE LAMAYSIAN HIGH COMMISSIONER, JACK DE SILVA, CALLED THE DEPUTY SECRETARY OF FOREIGN AFFAIRS AND WAS TOLD THAT A LETTER WAS ON ITS WAY. IT WAS DELIVERED SOME HOURS LATER BY SPECIAL MESSENGER AND SIGNED BY JOE WALDING, ASSOCIATE MINISTER OF FOREIGN AFFAIRS. THE CONTENTS OF THE LETTER FOLLOW:

QUOTE: DEAR MR. DE SILVA

QUOTE: I THINK YOU ARE AWARE THAT THE CASE OF MR. KHOO EE LIAM, A FORMER MALAYSIAN STUDENT IN NEW ZEALAND WHO WAS DETAINED IN KUALA LUMPUR LAST FEBRUARY, HAS AROUSED SOME CONCERN HERE IN NEW ZEALAND AMONG HIS OLD FRIENDS AND COLLEAGUES. BECAUSE OF THIS NEW ZEALAND CONNECTION, WE ASKED OUR HIGH COMMISSIONER IN KUALA LUMPUR TO KEEP IN TOUCH WITH THE MALAYSIAN AUTHORITIES AND LET US KNOW OF ANY DEVELOPMENTS.

QUOTE: MR KHOO WAS DETAINED UNDER THE INTERNAL SECURITY ACT, 1960. I UNDERSTAND THAT UNDER MALAYSIAN LAW CHARGES MUST BE PREPARED AGAINST ANY DETAINEE WITHIN THREE MONTHS. WE HAVE JUST RECEIVED A COPY OF A LETTER WRITTEN TO OUR HIGH COMMISSIONER SETTING OUT TWO OF THE CHARGES ON WHICH MR. KHOO IS HELD. WE UNDERSTAND THAT THEY ARE:

(A) THAT WHILE A STUDENT AT CANBERBURY UNIVERSITY, CHIRSTCHURCH, NEW ZEALAND (BETWEEN 1968 TO 1969) HE HAS ACTIVELY PARTICIPATED IN THE ACTIVITIES OF THE PRO-PEKING NEW ZEALAND/CHINA FRIENDSHIP SOCIETY AND WAS IN CLOSE ASSOCIATION WITH KNOWN MEMBERS OF THE NEW ZEALAND COMMUNIST PARTY; AND

(B) THAT WHILE IN THE SAID UNIVERSITY HE IN COLLABORATION WITH TWO PRO-COMMUNIST
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ELEMENTS IN NEW ZEALAND ATTEMPTED TO JOIN
THE MALAYAN NATIONAL LIBERATION ARMY OR MALAYSIA.

QUOTE: I DO NOT YET KNOW THE FULL LIST OF CHARGES MADE (ONE OTHER I GATER RELATES TO MR. KHOO'S PERIOD AS A MATRICULATION STUDENT IN MELBOURNE FROM 1965 TO 1969. BUT AS MALAYSIA'S REPRESENTATIVE HERE YOU WILL READILY UNDERSTAND THE CONCERN THAT WILL BE AROUSED AMONG THE

NEW ZEALAND PUBLIC BY THE TWO CHARGES WHICH RELATE TO MR. KHOO'S PERIOD IN THIS COUNTRY. WE MAKE A LARGE NUMBER OF MALAYSIAN AND OTHER OVERSEAS STUDENTS WELCOME HERE. WE EXPECT THEM TO CONFORM TO THE LAWS OF THIS COUNTRY DURING THEIR STAY, BUT WE DO NOT MAKE ANY DIFFERENTIATION BETWEEN THEM AND OTHER STUDENTS IN THIS OR ANY OTHER RESPECT. MANY IN THE UNIVERSITIES AND IN THE COMMUNITY AT LARGE WILL FEEL THAT ANY ATTEMPT TO EXTEND THE LAWS OF MALAYSIA TO THIS COUNTRY AND TO DETAIN A FORMER STUDENT FOR ACTIVITIES WHICH ARE NOT UNLAWFUL HERE IS TO RAISE SERIOUS ISSUES INVOLVING ACADEMIC FREEDOM AND THE CIVIL LIBERTIES OF WHICH NEW ZEALANDERS ARE PROUD.

QUOTE: YOU REPRESENT A COUNTRY WITH WHICH WE ENJOY THE MOST FRIENDLY RELATIONS, AND SO I FEEL BOUND TO SET OUT THESE CONCERNS FRANKLY. I WOULD BE GLAD IF YOU COULD CONVEY THEM TO YOUR GOVERNMENT AND ASK ON MY BEHALF FOR FULLER INFORMATION ABOUT MR. KHOO'S CASE, PARTICULARLY THE CHARGES RELATING TO NEW ZEALAND. YOURS SINCERELY, JOE WALDING END QUOTE.

3. KHOO WAS A STUDENT HERE IN THE LATE SIXTIES AND WAS ACTIVE IN LEFT-WING ACTIVITIES. HE APPARENTLY RETURNED TO MALAYSIA IN 1971 AND WAS ARRESTED FEBRUARY 27, 1974. MFA, UPON APPROACH BY NZUSA IN MARCH, INFORMED THE ORGANIZATION THAT NO ACTION COULD BE TAKEN UNTIL KHOO WAS FORMALLY CHARGED. KHOO WAS CHARGED IN LATE MAY WITH SUPPLYING MONEY AND MATERIALS TO MALAYSIAN INSURGENTS, IN ADDITION TO THE CHARGES ENUMERATED IN WALDING'S LETTER. ACCORDING TO DE SILVA, HOWEVER, THE ACTIVITIES OF KHOO IN NEW ZEALAND ARE BEING USED ONLY AS EVIDENCE FOR A CHARGE OF OFFENCES COMMITTED IN MALAYSIA.

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ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 CU-04 NIC-01 IO-14 DRC-01 /109 W

----- 116834

R 112130Z JUN 74

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC 8180
INFO AMEMBASSY KUALA LUMPUR

C O N F I D E N T I A L SECTION 2 OF 2 WELLINGTON 1789

4. IT WILL BE NOTED THAT THE WALDING LETTER STATES THAT THE NZHC IN KUALA LUMPUR WAS ASKED TO KEEP IN TOUCH WITH MALAYSIAN AUTHORITIES AND THEN, IN THE NEXT PARAGRAPH, SAYS THAT A LETTER WAS RECEIVED BY THE HIGH COMMISSIONER SETTING OUT THE TWO CHARGES. AS WRITTEN, THE IMPLICATION IS THAT THIS LETTER WAS RECEIVED FROM MALAYSIAN AUTHORITIES. HOWEVER, ACCORDING TO DE SILVA (AND CONFIRMED BY AN MFA OFFICIAL), THE LETTER WAS WRITTEN BY KHOO'S SOLICITOR. A SPOKESMAN OF THE MALAYSIAN HIGH COMMISSION TOLD A REPORTER OVER THE PAST WEEKEND THAT IT IS UNLIKELY THAT ANY OFFICIAL COMMENT WILL BE MADE ON THE CHARGES QUOTE BECAUSE THE INTERNAL AFFAIRS OF MALAYSIA ARE NO CONCERN OF THE NEW ZEALAND GOVERNMENT END QUOTE.

5. UPON RECEIPT OF THE LETTER DE SILVA CALLED TOGETHER HIS SOUTHEAST ASIAN COLLEAGUES: THE SINGAPORE HIGH COMMISSIONER AND INDONESIAN, THAI AND VIETNAMESE AMBASSADORS, TO DISCUSS THE IMPLICATIONS OF THE LETTER AND ACTIONS TO TAKE. HIS COLLEAGUES WERE, ACCORDING TO DE SILVA, OUTRAGED BY WHAT THEY SAW AS INTERFERENCE IN MALAYSIA'S INTERNAL AFFAIRS AND OF CONCERN TO THEM SINCE MANY STUDENTS FROM THEIR RESPECTIVE COUNTRIES ARE IN NEW ZEALAND UNIVERSITIES. THEY WERE ALSO CONCERNED BY THE OBVIOUS CONNECTION BETWEEN THE MFA AND LEFT-WING STUDENTS WHO HAD KNOWLEDGE OF A PRIVILEGED GOVERNMENT LETTER BEFORE IT BECAME CONFIDENTIAL

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HAD BEEN DELIVERED. DURING THE MEETING THE MERCHANT DE SILVA WAS URGED BY HIS COLLEAGUES TO PLAY IT COOL AND DIPLOMATICALLY CORRECT. DE SILVA HAS, TO DATE, HEEDED THEIR ADVICE. (THE ABOVE ACCOUNT BY DE SILVA HAS BEEN CONFIRMED BY ONE OF THE AMBASSADORS WHO ATTENDED.)

6. THE DAY FOLLOWING RECEIPT OF THE LETTER THE NEW ZEALAND VERSION WAS CARRIED IN GREAT AND IDENTICAL DETAIL IN ALL THE MAJOR NEWSPAPERS, INCLUDING EXCERPTS FROM THE LETTER AND DEFAMATORY REMARKS BY NZUSA MEMBERS. DE SILVA WAS ASKED TO APPEAR ON A TV INTERVIEW PROGRAM TOGETHER WITH AN NZUSA REPRESENTATIVE BUT FLATLY REFUSED. THE PROGRAM WAS Aired AND WAS A DISTURBING DIATRIBE ON MALAYSIA AND DE SILVA ON THE PART OF BOTH THE NZUSA PARTICIPANT AND THE INTERVIEWER; ESPECIALLY SINCE THE STATION IS A QUASI-INDEPENDENT GNZ AGENCY. DURING THE PROGRAM NZUSA ANNOUNCED A DEMONSTRATION AGAINST THE HIGH COMMISSION THE FOLLOWING DAY.

7. ON THE AFTERNOON OF JUNE 6 APPROXIMATELY 150 DEMONSTRATING STUDENTS, MANY WITH HOODS FOR CONCEALMENT, CONVERGED ON THE HIGH COMMISSION. THE THREE POLICE IN ATTENDANCE PERMITTED THE NZUSA PRESIDENT, JAMES CRICHTON, TO PRESENT A REQUEST FROM THE GROUP. IT DEMANDED THAT KHOO AND ALL OTHER POLITICAL PRISONERS IN MALAYSIA BE RELEASED. CRICHTON WAS MET BY FOUR FEET TEN INCH THIRD SECRETARY LILY ZACHARIA, WHO REFUSED THE PETITION AND TOLD HIM THAT ANY COMMUNICATION WITH THE HIGH COMMISSIONER SHLD BE MADE THROUGH THE FOREIGN MINISTRY. LILY'S REFUSAL TOUCHED OFF A BARRAGE OF STONES AND EGGS WHICH SMASHED A HUGE PLATE GLASS WINDOW AND SHOWERED GLASS OVER THOSE INSIDE, INCLUDING A LEAST ONE REPORTER.

DE SILVA AGAIN REFUSED TO BE PROVOKED AND SENT A FORMAL LETTER OF PROTEST TO KIRK AS FOREIGN MINISTER WHICH INCLUDED PRAISE FOR THE POLICE WHO ATTEMPTED TO CONTROL THE MOB.

8. THE STAGE IS NOW SET FOR A MEETING BETWEEN DE SILVA AND KIRK SOMETIME DURING THE NEXT FEW DAYS. ACCORDING TO GERALD HENSLEY, HEAD OF MFA ASIAN DIVISION (WHO WROTE CONFIDENTIAL

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THE LETTER), THE PM IS EXPECTED TO COMMENT FORCEFULLY ON DE SILVA'S ACTIVITIES, CLAIMING THEM TO BE INTERFERENCE IN NEW ZEALAND INTERNATIONAL AFFAIRS, CIVIL LIBERTIES AND ACADEMIC FREEDOM. DE SILVA TELLS EMBOFFS THAT HE INTENDS ASK KIRK THREE QUESTIONS:

A. IS IT THE POLICY OF YOUR GOVERNMENT TO MAKE AVAILABLE TO THE PUBLIC PRIVILEGED COMMUNICATIONS BETWEEN YOUR MINISTERS AND REPRESENTATIVES OF FRIENDLY GOVERNMENTS, ESPECIALLY, EVEN BEFORE SUCH COMMUNICATIONS HAVE BEEN DELIVERED?

B. IS IT THE POLICY OF YOUR GOVERNMENT TO ALLOW THE GOVERNMENT-OWNED AND OPERATED TV STATION TO BE USED FOR A SLANTED PROGRAM WHICH IS ABUSIVE OF A FRIENDLY AND ALLIED GOVERNMENT WHICH VILIFIES THAT COUNTRY'S REPRESENTATIVE TO NEW ZEALAND?

C. IS IT THE POLICY OF YOUR GOVERNMENT, WITH FIFTEEN HOURS NOTICE, TO ALLOW A VIOLENT DEMONSTRATION TO BE CARRIED OUT AGAINST THE HIGH COMMISSION OF A FRIENDLY AND ALLIED GOVERNMENT?

9. DE SILVA EXPECTS TO RECEIVE AN APOLOGY, BUT THE BEST THE EMBASSY WILL PREDICT WOULD BE A MEXICAN STAND-OFF.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLIC DEMONSTRATIONS, POLICIES, PRESS COMMENTS, ARRESTS, CIVIL DISORDERS, STUDENT GROUPS, POLITICAL SITUATION
Control Number: n/a
Copy: SINGLE
Draft Date: 11 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974WELLIN01789
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740150-0604
From: WELLINGTON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740654/aaaabuim.tel
Line Count: 278
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUL 2002 by elyme>; APPROVED <19 FEB 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MALAYSIAN/NEW ZEALAND CONFRONTATION
TAGS: PFOR, NZ, MY, (DESILVA), (KIRK), (KHOO EE LIAM)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005